

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

JACK HRYNKO,

Plaintiff,

v.

**CIVIL ACTION NO.: 3:22-CV-91
(GROH)**

**COMPLEX WARDEN,
And FCC HAZELTON,**

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING CASE

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation (“R&R”) of United States Magistrate Judge Robert W. Trumble. Pursuant to the Local Rules, this civil action was referred to Judge Trumble for submission of a proposed R&R. Magistrate Judge Trumble issued an R&R [ECF No. 14] on June 6, 2022. In the R&R, Judge Trumble recommends that the Plaintiff’s Motions for injunctive relief [ECF Nos. 2 & 11] be denied.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge’s findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and of a Plaintiff’s right to appeal this Court’s Order. 28 U.S.C. § 636(b)(1); *Snyder v. Ridenour*,

889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).

Objections to Magistrate Judge Trumble's R&R were due within fourteen plus three days of the Plaintiff being served with a copy of the same. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Service was accepted by the *pro se* Plaintiff on June 10, 2022. ECF No. 15. Therefore, after allowing additional time for transit in the mail, the Court finds that the deadline for the Plaintiff to submit objections to the R&R has passed. No objections have been filed. Accordingly, this Court will review the R&R for clear error.

Upon careful review of the R&R, it is the opinion of this Court that Magistrate Judge Trumble's Report and Recommendation [ECF No. 14] should be, and is hereby, **ORDERED ADOPTED** for the reasons more fully stated therein. Therefore, the Plaintiff's Motions for Injunctive Relief [ECF Nos. 2 & 11] are **DENIED**.

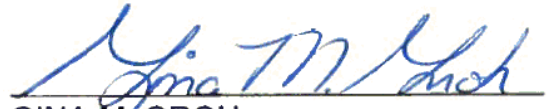
Moreover, the Court notes that the Plaintiff filed this complaint pursuant to the Federal Tort Claim Act on May 18, 2022. ECF No. 1. The Clerk of Court issued a notice of deficient pleading on that same date because Plaintiff did not: (1) file his complaint on the Court-approved form; (2) file an application to proceed without prepayment of fees and accompanying documents; or (3) pay the filing fee. ECF No. 3.

The notice advised the Plaintiff that failure to the correct form and appropriate documents within 21 days would result in dismissal of his case for failure to prosecute. Id. The Plaintiff accepted service of the notice on May 21, 2022. ECF No. 8.

More than twenty-one days have passed without Plaintiff correcting the deficiencies listed in the Notice of Deficient Pleading. Accordingly, it is hereby **ORDERED** that this action be **DISMISSED WITHOUT PREJUDICE**.

The Clerk of the Court is **DIRECTED** to mail a copy of this Order to the *pro se* Plaintiff by certified mail, return receipt, to his last known address as reflected on the docket sheet.

DATED: July 13, 2022


GINA M. GROH
UNITED STATES DISTRICT JUDGE